

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

IN RE:)	
)	
CYNTHIA F. TONEY,)	
a/k/a CYNTHIA F. PASSMORE,)	
)	
Plaintiff,)	CASE NUMBER: 2:06-CV-949
)	
vs.)	
)	
MEDICAL DATA SYSTEMS, INC.,)	
d/b/a MEDICAL REVENUE SERVICES, INC.,)	
)	
Defendant.)	

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

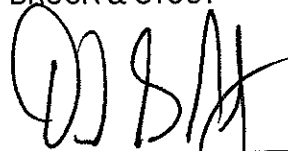
Comes now the Plaintiff, Cynthia F. Toney, a/k/a Cynthia F. Passmore, by and through her attorney of record and moves this Honorable Court to enter summary judgment in favor of the Plaintiff. The Plaintiff submits this motion in accordance with Rule 56 of the Federal Rules of Civil Procedure. In support of this motion for summary judgment, the Plaintiff asserts that there is no genuine issue as to any material fact and that the Plaintiff is entitled to judgment as a matter of law.

This motion is based upon the pleadings, the PL1 letter mailed to the Plaintiff by the Defendant, certain deposition excerpts from the Defendant's corporate representative and other collector employees, the trial transcript from Carn, III, Trustee, v. Medical Data, AP No. 06-1057 and Cambron v. Medical Data, AP No. 06-1058 (March 15, 2007), the Memorandum Opinion entered by the Honorable W. Harold Albritton on December 4, 2007.

The Plaintiff will supplement her motion for summary judgment with a brief supporting said motion.

Respectfully submitted this 18th day of January, 2008.

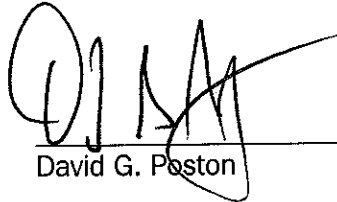
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CERTIFICATE OF SERVICE

I, the undersigned hereby certify that I have this date served a copy of the foregoing upon James C. Huckaby, Jr., Esq., J. Kirkman Garrett, Esq., John G. Parker, Esq., and Stefanie Jackman, Esq., via electronic mail at jch@hsdpc.com, jkgarrett@csattorneys.com, johnparker@paulhastings.com, and stefaniejackman@paulhastings.com, this 18th day of January, 2008.



David G. Poston